

STATE Commonwealth of the Northern Mariana Islands

Statement of Compliance with DHEW Regulations

Under Title VI, Civil Rights Act of 1964

Age Discrimination Act of 1975 (PL94-135), Section 504 of the Rehabilitation Act of 1973 (PL93-112)  
and other appropriate CNMI Civil Rights Statutes

I. Declaration of Compliance

Pursuant to all relevant federal and CNMI rights statutes and specific to provisions of Title VI of the Civil Rights Act of 1964, as amended and the Regulations issued thereunder, the CNMI Medical Assistance (Medicaid) Program, administered by the Department of Public Health and Environmental Services conducts and will continue to conduct the program in such a manner as to ensure that no person in the Northern Mariana Islands will be excluded from participation in, be denied benefits of, or be subjected to discrimination on the ground of race, color, national origin, sex, age, or handicap.

The Department's objective is to ensure that all health delivery systems receiving federal funds directly or through contract are conducted in accordance with the Provisions of Title VI of the Civil Rights Act and the Regulations issued thereunder, and, more specifically, will follow policies and practices including but not limited to those described below:

- (1) No individual will on the ground of race, color, national origin, sex, age, or handicap, be denied any service, financial aid, or other benefits provided under the Medical Assistance (Medicaid) Program or be denied a service, financial aid, or other benefits which is different or is provided in a different manner, from that provided to others under the program. Such services, financial aid, or other benefits include all Medical Assistance (Medicaid) services under Title XIX of the Social Security Act, the Regulations governing the Medical Assistance (Medicaid) Program and the approved Plan, and such related matters as the making appointments, the designation of waiting period, of section of employment objectives, the quality of the services provided, and the selection and assignment of vendors and other businesses.
- (2) No individual will on the ground of race, color, national origin, sex, age, or handicap, be subjected to segregation or separate treatment in any manner related to receipt of any service, financial aid, or any benefit under the Medical Assistance (Medicaid) Program nor will the individual be restricted in any way in the environment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program. This includes any distinction with respect to eating facilities, waiting rooms, restrooms, or transportation. Neither will separate times be set aside on the ground of race, color, national origin, sex, age, or handicap, for the provisions of services

(3) Employees of the Department of Public Health and Environmental Services or of other agencies or organization participating in the Medical Assistance (Medicaid) Program will not be assigned case-loads of clientele on the basis of race, color, national origin, sex, age, or handicap, of the persons being served.

(4) Individuals will not, on the ground of race, color, national origin, sex, age, or handicap, be denied the opportunity to participate (other than as employees, as provided in (5) below) in the Medical Assistance (Medicaid) Program, or be afforded an opportunity to do so which different from that afforded others. This includes opportunities to participate as providers of any services, as conferees, observers, consultants, or as members of planning or advisory body which is an intergral part of the program.

(5) The Department of Public Health and Environmental Services will make no distinction on the ground of race, color, national origin, sex, age, or handicap, in its employment practices with respect to individuals seeking employment or employed under the Medical Assistance (Medicaid) Program. This includes situations in which the employment is provided to students, fellows, interns, residents, or others in training for related employment, or to provide remunerative activity to individuals who because of severe handicaps cannot be readily absorbed into the competitive labor market. The goal of the Department of Public Health and Environmental Services is to provide a balanced work force with sufficient employees or resource personnel who have knowledge of the language of substantial non-English speaking groups to provide those groups with services equal to those provided in general population.

(6) In making determination of the types of activity to be included in the Medical Assistance (Medicaid) Program of the geographical areas in which such program or activity will be carried out or the persons who will be served or afforded an opportunity to participate, criteria, or methods of administration will not be used which have the effecting of subjecting individuals to discrimination because of their race, color, national origin, sex, age, or handicap, or have the effect of defeating or substantially impairing the accomplishment of the program with respect to individuals of a particular race, color, national origin, sex, age, or handicap.

(7) The Department of Public Health and Environmental Services recognizes that its obligation to conduct the program in accordance with the requirements of the laws and the Regulations extend not only to those activities which are conducted directly by the Department but also to all activities under the program which are conducted by other agencies, institutions, organizations, or political subdivisions, through contracts, or other arrangements with the agency. This includes any activity supported with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements, and also includes other conditions which must be met in order to receive the Federal financial assistance.

(8) The Department of Public Health and Environmental Services will maintain records and submit reports as may be required to assure compliance with the regulations and will permit access during the normal business hours of the Department of such of its facilities, records, and other sources of information as may be pertinent to ascertain compliance with the regulations and will require the same from other agencies, institutions, organizations, or political subdivisions participating in the program.

(9) The Department of Public Health and Environmental Services will make available to participants, beneficiaries, and other interested persons such information regarding the provisions of the Act and the Regulations, and make available such information in such manner as may be required to appraise such persons of the protections against discrimination assured them by the Act and the Regulations, and will require the same from other agencies, institutions, organizations, or political subdivisions participating in the program.

## II. Method of Administration

Methods of Administration which will be followed in order to conduct the program in accordance with Title VI of the Civil Rights Act and the implementing regulations are as follows:

(1) The Department of Public Health and Environmental Services will inform and instruct its own staff concerning their obligations under the Act, the Regulations, and the Statement of Compliance filed by the Department by:

- A. Making copies of all pertinent Federal regulations and document available to the entire staff;
- B. Conducting as a regular part of its orientation of new staff and inservice training program, meetings, to explain to all staff the intent and meaning of Civil Rights laws and regulations and the Department's policies and procedures as outlined in the Statement of Compliance and to instruct them as to their obligation in carrying out the policies contained therein; and
- C. Conducting through regular supervisory channels, constant review of practices and policies to assure that no individual is being discriminated against because of race, color, national origin, sex, age, or handicap.

(2) The Department of Public Health and Environmental Services will inform and instruct other agencies, institutions, organizations, political subdivisions and vendors which provide services, financial aid or other benefits under the program of the obligations to comply with the Act, Regulations, and the Statement of Compliance filed by the Department of Public Health and Environmental Services as a condition to their initial or continued financial participation in the program. This will be accomplished by:

- A. Making clear, through written materials and personal explanations, on a group or individuals basis, the requirements of the Civil Rights Act and implementing regulations in the policies and undertaking of the Department to effectuate these requirements; and
- B. Where another agency, institution, organization, political subdivisions, or vendor conducts any activity or furnishes vocational rehabilitation services under a sub-grant, contract, or other arrangement, by assuring itself that such activity will be conducted or such services will be furnished in accordance with the agency's obligations in its Statement of Compliance. This will be accomplished in appropriate cases by determining that the agency, institutions, organization, political subdivision, or vendor has executed an assurance in the form prescribed by the Department of Health, Education and Welfare, which is currently effective and applicable to the program under which the activity is conducted or the services furnished. In either cases, the Department of Public Health and Environmental Services, institution, organizations, political subdivisions, or vendor has agreed to and is conducting the activity of furnishing the service in accordance with the provision of the Statement of Compliance. This may include the use of memoranda of understanding, setting forth specific obligations and undertakings of the other agency, institution, organization, political subdivision or vendor or certifications of compliance on each voucher presented for payment to the department. In any event, regular on-the-spot checks will be made by the Department of Public Health and Environmental Services staff to assure the compliance of any other agency, institution, organization, political subdivision, or vendor participating in the program.

(3) The Medical Assistance (Medicaid) Program will inform actual, potential clients, participants, and other interested persons of the fact that services, financial aid, and other benefits under the program are provided on a non-discriminatory basis and to file a complaint with the Department of Public Health and Environmental Services or the Federal Agency, or both, if they believe that discrimination on the ground of race, color, or national origin, sex, age, or handicap is being practiced or effected. This will be accomplished by:

- A. Written notice to all clients and to all applicants; and
- B. Inclusion of appropriate explanatory statements and public information materials which will be made available to interested persons and particularly to those individuals or groups which may be sources of referrals and applications.
- C. The methods may include but are not limited to posters prominently displayed in waiting and public areas, pamphlets on civil rights under Title VI, radio announcements, etc.

(4) Any person who believes himself discriminated against because of race, color, national origin, sex, age, or handicap, or feels he has been discriminated against in the provision of delivery of health services by any program or facility directly under the Department of Public Health and Environmental Services or under contract or other arrangement with the Department of Public Health and Environmental Services may file a complaint with the Department or with the Office for Civil Rights of DHEW. The complaint must be in writing and must be filed no later than 180 days from the date of the alleged discrimination. The written complaint should contain the date, time and place of the alleged discrimination, the person (s) involved and include the name, address, telephone number and signature of the person making it, as well as names, address and telephone numbers of witnesses to the incident. All complaints shall be addressed to the Director of Public Health and Environmental Services, who will assign them through established supervisory channels.

(5) Upon receipt of a complaint, the Director or his designated representative will investigate the facts and circumstances involved in the alleged violation. In no case will an employee involved in the alleged violation be assigned to investigate a complaint against him or against any employee working under his immediate supervision. Procedure for investigation of a complaint will include:

- A. An interview with the person making the complaint.
- B. An interview with the official or employee alleged to have acted in a discriminatory manner.
- C. Review of the issues involved in the complaint.
- D. An investigation of the program or facility in which the discrimination is alleged to have taken place in terms of treatment of recipients.

(6) After the complaint has been thoroughly investigated and reviewed, the Director shall determine whether or not any discriminatory practice has been carried on and if he determined that one has, he will take such action as may be necessary to correct past practices and to prevent reoccurrence of such discrimination.

(7) No official or employee shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Civil Rights Act or regulations or because he has made a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing.

(8) Within 45 days after receipt of a complaint the Director or his designated representative shall inform the person making the complaint in writing of the outcome of the investigation, the basis for whatever findings are made and the necessary action taken. The person shall also be informed of his rights to a formal hearing and appeal

If not satisfied with the action taken. The Department of Public Health and Environmental Services will maintain adequate records to show action taken as a result of each complaint and will make such information available to responsible departmental official or his duly authorized representative.

(10) At least once a year, and more frequently in those cases where discriminatory practices are alleged or suspected, a representative of the State Agency will visit institutions, organizations, or political subdivisions participating in the program to be sure that their practices conform with Title VI of the Civil Rights Act and the regulations issued pursuant thereto as reflected in the Statement of Compliance. Through regular supervisory reviews, the Director and Supervisory personnel will determine whether discriminatory practices are being engaged in by Departmental personnel and will take such corrective action as may be required to ensure that their actions are consistent with Title VI of the Civil Rights Act and Regulations issued pursuant thereto as reflected in State of Compliance.